

**MINUTES-REGULAR MEETING
CITY OF GODDARD
118 NORTH MAIN, GODDARD, KS
MONDAY, JULY 20, 2015**

The Goddard City Council met in a Regular Session at Goddard City Hall on Monday, July 20, 2015 at 7:00 p.m. with Mayor Gregory presiding. Councilmember Zimmerman provided the invocation. Council members present were Joe Torske, Larry Zimmerman, Enrique Ramirez, Chris Hahn and Chris Hedrick.

Also present were: Brian Silcott, City Administrator; Teri Laymon, City Clerk; Don McElroy, Interim Police Chief; Matt Lawn, City Treasurer; Tylor Struckman, Public Works Operations Manager and Harlan Foraker, City Engineer.

APPROVAL OF THE AGENDA

MOTION: Councilmember *Torske* moved to approve the agenda. Councilmember *Ramirez* seconded the motion. The motion carried unanimously.

CITIZENS' COMMENTS

None

PROCLAMATIONS, AWARDS, RECOGNITIONS AND NOMINATIONS

Mayor Gregory introduced Gayle Martin, Program Manager with Hugo Wall School of Public Affairs, who presented a plaque to Tylor Struckman for successfully completed all requirements for the Mini MPA program.

APPROVAL OF CONSENT AGENDA

The City Clerk submitted for approval, the consent agenda, which includes the minutes of the regular meeting dated July 6, 2015 and two accounts payable lists dated July 8, 2015 and July 16, 2015 for a total of \$158,121.96.

MOTION: Councilmember *Torske* moved to approve the consent agenda. Councilmember *Hedrick* seconded the motion. The motion carried unanimously.

REPORT FROM GODDARD WOMEN'S CLUB

Lisa Stoller, President of Goddard Women's Club reported that the Goddard Women's Club has been a chartered member of the General Federation of Women's Clubs since 1933. Stoller provided an overview of key projects that they are involved in and awards they have received from the General Federation of Women's Clubs. Stoller said the Club has a collection of scrapbooks from the Women's club dating back to the year of their inception in 1933 and circulated one around that was from the year 1938. Stoller explained that the books are falling apart and it is the Club's desire to preserve all of the books and to display them in a permanent designated area at the City Library.

Councilmember Joe Torske expressed his gratitude for the women's involvement in the community and said he would like to donate \$1000.00 to the Women's Club.

MOTION: Councilmember *Torske* moved to donate \$1,000 to the Goddard Lions Club. Councilmember *Hahn* seconded the motion. The motion carried unanimously.

REPORT FROM ACTIVITIES COMMITTEE WITH 2015 FUNDING DISTRIBUTION REQUEST

Dan Funke, President of the Goddard Activities Committee, said the purpose of the Committee is to encourage and provide for community activities. Funke reported that historically the City has donated \$10,000 annually from the firework stand proceeds and in 2013, that amount increased to \$12,000 due to increasing prices. Funke reviewed a list of community events that the Activities Committee provided for in 2014 and the expenditures related to each event. Funke asked for a donation of \$12,000 to support the Goddard Activities Committee for 2015.

MOTION: Councilmember *Torske* moved to donate \$12,000 to the Goddard Activities Committee. Councilmember *Ramirez* seconded the motion. The motion carried unanimously.

MUNICIPAL CODE VIOLATION HEARING – 1705 E ELK RIDGE

Kelly Bergeron, Community Development Director provided the background of two code violation letters issued to Dan Shurtz, 1705 E Elk Ridge. The first code violation letter references back yard berms in need of mowing due to grass in excess of eight inches in height and the second letter noted a lack of fencing surrounding an in-ground pool. Bergeron stated that Mr. Shurtz has requested a hearing before the Governing Body to resolve the issues. Bergeron distributed pictures of the property to the City Council.

Mr. Shurtz explained that he and his wife have been working hard to develop the landscaping on their property, staying consistent with the look and feel of the Elk Ridge neighborhood, utilizing natural grasses, berms, limestone, etc. Shurtz added that they have seen several areas in Goddard, including in and around the corner of 183rd Street West and Maple that incorporate “intentional” native/wild grasses to create a pleasant looking “natural” feel. Shurtz said that was the intent of their landscaping, specifically with the berms in the back yard creating an added level of privacy. Shurtz stated that the privacy is especially important now that they have lost the hedgerow due to the Maple Street construction.

Mr. Shurtz asked for the City Council to consider a variance or an exception as he has landscaped his property with Kansas limestone and native grasses intentionally and was unaware that it would be out of compliance with City Code. Shurtz added that it a beautiful property and is not an eyesore. Shurtz assured the Governing Body that if there are any issues due to the tall grass it would be taken care of at his expense.

MOTION: Councilmember *Hahn* moved to issue a stay until the current code is modernized to include landscaping with native grasses. Councilmember *Hedrick* seconded the motion. The motion carried unanimously.

Kelly Bergeron stated the second issue noting a violation of Goddard Zoning Code Article 6, Section 100, Para 8, lack of a fence around an in-ground swimming pool. Mr. Shurtz has spoken with City staff by phone and email and has requested an audience with the City Council to speak with you about the code violations. Mr. Shurtz has provided the included pictures for reference, along with an excerpt from the International Swimming Pool and Spa Code (ISPSC) 2012, Section 305, “Barrier Requirements” that Mr. Shurtz references in his email. Section 305.1 requires a fence around a swimming pool and notes an exception of those that have a “powered safety cover that complies with ASTM F 1346.”

Bergeron stated that Goddard Zoning Code 8-502 regarding the swimming pool has no exemptions or considerations for a locking pool cover such as the one noted in the ISPSC.

Mr. Shurtz asked the City Council for a variance, exception or to consider updating the code to exempt fencing for pools with approved locking pool covers such as the one noted in the ISPSC. Shurtz stated he and his wife, along with their insurance agent had several discussions regarding choosing an automatic pool cover or a fence for our pool security. With the Home Owners' Association (HOA) requirement of Rod Iron Fencing in Elk Ridge that provides limited security and no privacy, as well as the location of their property (backing Maple) they made the decision to purchase and install the powered safety cover as this would be the more secure option for their family.

For insurance purposes, they met the requirements with this cover, and have been insured since they moved in last year. In researching this issue, Shurtz said he has learned that the International Code Council recently updated their standardized swimming pool and spa code in 2012, ISPSC 2012 (International Swimming Pool & Spa Code) that requires a fence around a pool but with an "exception" if you have a "powered safety cover that complies with ASTM F 1346". Shurtz provided a picture of the pool cover label that indicates it "Meets or exceeds ASTM F1346-91 safety standards."

Mr. Shurtz provided a packet with a sample ordinance from the manufacture for Cities that wish to update their code. Mr. Shurtz added that the City of Wichita and the City of Maize both allow a powered safety cover in lieu of fencing around the pool.

MOTION: Councilmember *Hahn* moved to issue a stay for 60 days for further research.
Councilmember *Torske* seconded the motion. The motion carried unanimously.

SITE PLAN REVIEW – THE ASSEMBLY AT GODDARD CHURCH

Kelly Bergeron stated at the December 11, 2014 Goddard Planning Commission meeting, The Assembly At Goddard (TAAG) Church presented a preliminary site plan and elevation drawing seeking guidance on building design and materials for an approximately 6,000 square foot new structure, located at 20710 W. Kellogg Dr. No action was taken at the December meeting. At the May 14, 2015 Commission meeting TAAG presented an updated site plan corrected to show the new building will be 11,400 square feet. Commissioners requested that the item be continued to the next meeting and that a drainage plan with flow directions and a landscape plan based on the MABCD standards be provided, along with final selections of exterior façade materials.

At the July 9, 2015 Planning Commission meeting TAAG representatives presented the drainage plan and discussed the exterior of the building façade will include brick across the front of the new building up to a height of 4' from east to west; the remainder of the building frontage will be EPS concrete siding. The sides and back of the building will be metal. The Commission approved the site plan as presented, requesting TAAG present a final landscaping plan to the Community Development Director for approval to screen the parking area along Kellogg. The landscaping should be plants that will grow to a minimum height of 3' within a few years.

The site plan and building exterior is in line with the Planning Commission's desire to see more brick, stone, and EPS exterior finishes in town and less metal.

Items of note for the project:

1. The new building will be a single story slab on grade;
2. TAAG noted that the existing building will be razed within two to three years following the completion of the new building;
3. The parking area will be gravel and will have landscaping between Kellogg and the gravel, which will grow to a minimum height of 3' in two to three years.

Councilmember Zimmerman expressed concern regarding the gravel parking area. Brian Silcott stated that the site plan is in compliance with the Code that allows for an exception for Churches.

Brian Folden, Pastor of TAAG said it is the congregations desire to pave the driveway with lighting within two to three years.

MOTION: Councilmember *Torske* moved to approve the cite plan for the Assemble at Goddard Church. Councilmember *Hahn* seconded the motion. The motion carried unanimously.

GENERATOR REPAIR FOR CITY HALL

Tylor Struckman, Public Works Operations Manager stated that the 20KW Onan portable backup generator that is used for City Hall during a power outage is in need of repair. The control board has failed on it and it needs timing belt repairs, and a tune up.

Struckman said bids were solicited for repairs to the generator and only one was received. Cummins Central Power sells and services the Onan brand and provided a bid to complete the repairs to the portable backup generator. Total cost for the repairs is \$2,106.44. Staff has investigate the purchase of a new generator with Cummins Central Power providing a bid. This generator can be mounted on the same trailer as the existing generator. Total cost for the new generator and mounting is \$16,250.

Repair costs would be allocated to 10-150-6130 (General Fund-City Hall-Repair and Maintain Equipment).

It was recommended to the City Council to approve the repair to the 20KW Onan portable backup generator by Cummins Central Power for \$2,106.44.

MOTION: Councilmember *Torske* moved to approve the repairs to the 20KW Onan portable backup generator by Cummins Central Power for \$2,106.44. Councilmember *Ramirez* seconded the motion. The motion carried unanimously.

SPECIAL EVENT PERMIT – HAMPEL OIL AT TANGANYIKA WILDLIFE PARK

Brian Silcott stated that Hampel Oil is hosting a charity event for Rainbows United August 1, 2015. As part of this event they are requesting a Special Event Permit in order to have a fireworks display for their attendees. The event will be held at Tanganyika Wildlife Park. The City approved this event in 2014.

The permit will be valid only on the day of the event. The actual fireworks display is scheduled to start at approximately 9:15 pm and will last approximately one hour.

The fireworks display will be subject to the approval of the Sedgwick County Fire Marshall and the applicant will be required to provide the City Clerk with a certificate of insurance in the amount of \$500,000.00.

Silcott added that area residents could be notified through the Everbridge system.

MOTION: Councilmember *Hahn* moved to approve the special event permit. Councilmember *Hedrick* seconded the motion. The motion carried unanimously.

AUTHORIZE 2ND QUARTER FINANCIAL TRANSFERS

Matt Lawn, City Treasurer presented the proposed second quarter transfers for the City Council's approval. It was the consensus of the City Council to approve the second quarter transfers as presented.

BUDGET HEARING -2016 OPERATING BUDGET

Brian Silcott and Matt Lawn presented the proposed 2016 Operating Budget with total expenditures of \$9,869,150, a 1.5 mill decrease from 2015. Silcott said the average homeowner would save approximately \$24.15 per year.

Mayor Marcey Gregory opened the public hearing at 8:50 p.m. and asked for any comments regarding the proposed Budget.

Roy Jones, 109 North Pine had positive comments to say about the budget and appreciates the amount of time and effort spent putting it together.

There being no further verbal or written comments, Mayor Gregory closed the public hearing at 8:52 p.m.

MOTION: Councilmember *Zimmerman* moved to approve the 2016 Budget as presented. *Ramirez* seconded the motion. The motion carried unanimously.

CITY ADMINISTRATOR'S REPORT

To: Honorable Mayor and City Council
From: Brian W. Silcott, City Administrator
Cc: Department Directors & Staff
Re: City Administrator Report
Date: July 20, 2015

Walnut Street Project: The project continues. The northbound lane has been milled to the exposed base. City Crews completed 3 water line repairs over the weekend in the exposed area, which contains a 4" water line running down the approximate center of the lane. Weather permitting should be completed by August 7th. Should complications arise the Goddard Pulse will be utilized to inform citizens and City staff will meet with residents to discuss the project as requested by residents within the work zone.

2015 Street Maintenance Projects: The 2015 street maintenance program is almost complete. Only one small segment remains to be completed. The streets highlighted in yellow have been crack sealed, edge sealed, and will undergo crack sealing on Wednesday, July 22nd. The streets highlighted in red on the attached map have received crack sealing, edge sealing, and a fog treatment. The work was completed last week.

2015 Council Work Plan: Staff will review the 2015 work plan and solicit amendments at the August 3rd regular meeting.

GPS Body Camera Upgrade: Staff will present a request to purchase an equipment upgrade for body cameras. The current technology is almost a decade old and the technology has significantly progressed. Estimated cost is \$14,000 to \$15,000. As mentioned in the police budget presentation the allocation is recommended to be taken out of Discretionary Capital Outlay.

2006 Backhoe: The hydraulics on the 2006 backhoe has failed on the entire back half of the machine. It is currently being assessed and the cost to repair is unknown. This repair is critical to the operations of Public Works as the machine is the department's workhorse. We are currently using a 2000 backhoe that is battling an overheating issue. Both machines were purchased used.

Governing Body Photo: A group photo is needed for the website and posterity of the city, not to mention for identification cards. Please plan on having individual and group pictures taken before the August 3rd meeting.

Meeting Conflict: Once every three to four years the calendar creates a conflict with the regular city council meeting and municipal court arraignment night. The September 8th is such a conflict. Historically the Council meeting has been cancelled. Staff will discuss the item in greater detail at the August 17th regular meeting. A special meeting on a day/evening other than September 8th is a possibility.

Policy Updates: Staff is working on an administrative policy to allow the on-call public works employee to activate water service for newly arrived residents who failed/failed to activate their water utility service before arriving on a weekend. City Clerk Teri Laymon is working to incorporate updates to the City's personnel policy manual. The new document will take into account changes to state and federal law ranging from a defined workweek to employee closed/open carry of firearms, as well as modernizing the document for a contemporary organization.

Joint City Council / Park & Tree Board Meeting: Tomorrow, July 21st at 6 pm in the City Council Chambers to review and discuss park design and park amenities as well as a park plan.

Respectfully Submitted,

Brian W. Silcott, City Administrator

Brian Silcott played a video of a news clip highlighting the Goddard Police Department for being proactive to prevent ATM skimmers that have flooded the Wichita area.

GOVERNING BODY COMMENTS

Councilmember Torske welcomed Kelly Bergeron aboard. Torske asked if dinner would be served at the joint meeting tomorrow. Brian Silcott confirmed that dinner could be served.

Councilmember Torske commented on the way City Council members are paid. Currently City Council members are being paid per meeting and although Council members may be spending their time outside of meetings reviewing the City Council packets, talking to citizens, etc, if they are not at the meeting they are not paid. Councilmember Hahn added that altering the way Council members are paid might draw more interest in becoming an elected official.

Councilmember Zimmerman asked how the Planning Commissioners are paid. Brian Silcott said the Planning Commissioners are voluntary.

Councilmember Zimmerman stated that he is supportive of scout projects, but said he thinks that the projects need to be supervised. Zimmerman said there is one planter box that was placed on a slope and he requested that it be corrected.

Mayor Marcey Gregory thanked Staff for all their hard work putting our budget numbers together and keeping in line with the Council's desire to lower the mill levy. Gregory thanked Don McElroy, Interim Police Chief for the smooth transition and filling the position of the Police Chief. Gregory announced that she is the new President of the Lions Club.

EXECUTIVE SESSION

MOTION: Councilmember *Torske* moved to recess into executive session for 20 minutes after a 5-minute break pursuant to non-elected personnel to discuss specific personnel matters, to include the City Administrator and the City Treasurer. Gregory announced that the City Council would reconvene the open meeting in the City Council Chamber at 9:45 p.m. Councilmember *Ramirez* seconded the motion. The motion passed unanimously.

The City Council recessed into executive session at 9:25 p.m. and reconvened at 9:45 p.m. Mayor Gregory announced there was no binding action taken in executive session.

MOTION: Councilmember *Torske* moved to recess into executive session for an additional 15 minutes after a 5-minute break pursuant to non-elected personnel to discuss specific personnel matters, to include the City Administrator and the City Treasurer. Gregory announced that the City Council would reconvene the open meeting in the City Council Chamber at 9:45 p.m. Councilmember *Hahn* seconded the motion. The motion passed unanimously.

The City Council recessed into executive session at 9:47 p.m. and reconvened at 10:02p.m. Mayor Gregory announced there was no binding action taken in executive session.

ADJOURNMENT

MOTION: Councilmember *Hahn* moved to adjourn the regular meeting. Councilmember *Hedrick* seconded the motion. The motion carried unanimously.

*Meeting adjourned at 8:50 p.m.
Teri Laymon, City Clerk*